

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DAVID B. TRACEY, DANIEL
GUENTHER, MARIA T. NICHOLSON,
AND CORRINNE R. FOGG, individually
and as representatives of a class of
participants and beneficiaries on
behalf of the MIT Supplemental 401(k)
Plan,

Plaintiffs,

v.

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY, THE MIT
SUPPLEMENTAL 401(K) PLAN
OVERSIGHT COMMITTEE, THE
ADMINISTRATIVE COMMITTEE,
ISRAEL RUIZ, ALISON ALDEN, MARC
BERNSTEIN, LAWRENCE CANDELL,
GLENN DAVID ELLISON, MICHAEL
HOWARD, MARTIN KELLY, S.P.
KOTHARI, ROBERT C. MERTON,
GUNTHER ROLAND, LORRAINE A.
GOFFE-RUSH, GLEN SHOR, PAMELA
WELDON, THOMAS M. WIEAND, and
BARTON ZWIEBACH,

Defendants.

No. 1:16-cv-11620-NMG

JOINT MOTION TO STAY PENDING MEDIATION

Plaintiffs and Defendants (collectively the “Parties”), by and through their respective counsel, hereby jointly move for a short stay of all existing case management deadlines so that the Parties can devote their time and resources to mediation in the above-captioned matter. In support of this Joint Motion, the Parties state as follows:

1. The Parties have agreed to submit this dispute to mediation before private mediator Hunter Hughes, Esq., of Hunter Hughes Alternative Dispute Resolution in Atlanta, Georgia. Mr. Hughes has extensive experience successfully mediating ERISA 401(k) and 403(b)

plan cases. The mediation has been set for May 22, 2019, which is the earliest date on which both Mr. Hughes and the Parties are available.

2. A settlement, if approved, will resolve all claims and issues in this action.

3. A short stay of this litigation will permit the Parties to prepare for and complete the mediation process. A stay will also conserve the Parties' and the Court's time and resources, and will allow the Parties to focus on settlement, rather than spending their efforts, and money, on expert depositions, expert motions, and dispositive motions that, if a settlement is reached and approved, will prove to be unnecessary.

4. A short stay is also in the interest of judicial economy, as the resolution of this matter via mediation would avoid burdening the Court with any time-consuming disputed questions.

5. Therefore, the Parties respectfully request that the Court vacate the current case management schedule, including all existing case management deadlines. The Parties will submit a status report to the Court no later than June 14, 2019, stating whether the Parties have reached a resolution, need additional time, or intend to proceed with the litigation. If the Parties intend to proceed with the litigation, they will submit a proposed case management schedule no later than June 26, 2019, suggesting new deadlines for the deadlines that had not yet passed when this joint motion was filed.

WHEREFORE, the Parties respectfully request that the Court stay the proceedings in the above-referenced matter and vacate all existing case management deadlines pending the outcome of the Parties' mediation.

Respectfully submitted this 11th day of March, 2019.

/s/ Shannon M. Barrett

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Local Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Shannon M. Barrett, hereby certify pursuant to Local Rule 7.1(a)(2) that counsel for Defendants has conferred with counsel for Plaintiffs about the issues presented by this motion, and that Plaintiffs have assented to the relief requested in this motion.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 11, 2019.

/s/ Shannon M. Barrett

Shannon M. Barrett

Attorney for Defendants